

1.5. Crisis response

Crisis management is perceived by Polish legislation as an element of national security management and defined as an activity of public administration bodies. The element consists of preventing crisis situations, preparing to take control over crises through planned actions, applying proper reactions to crisis situations, removing their effects, and restoring resources and critical infrastructure³⁵.

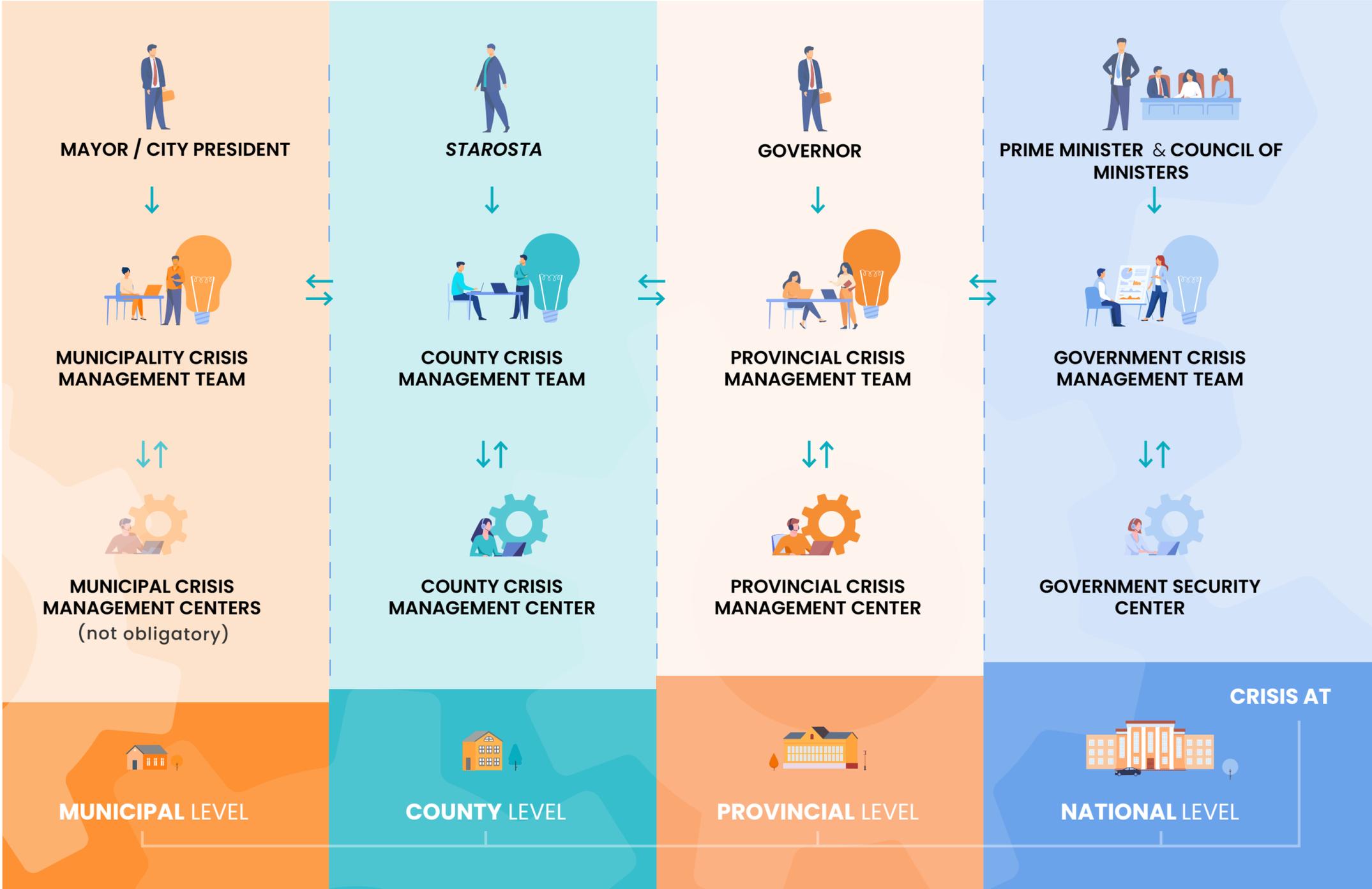
Local governments are functioning within public administration bodies, therefore Polish legislation imposes on local units some duties and obligations related to ensuring national security. However, these obligations are restricted to the limits of the territory and capabilities of specific local government units, as competent entities, inter alia, in matters of crisis management.

The principle of decentralisation of public administration requires the local government to be an active participant in public life, and therefore it has appropriate competences in the field of crisis management. Security has to be ensured at every level of management on a territory at the local, regional, and central level. Given that, a local government as a governing body under its control plays an essential role in crisis management.



³⁵ Article 2 ustawy z dnia 26 kwietnia 2007 r. o zarządzaniu kryzysowym (tj. Dz.U. z 2017 r., poz. 209), dalej u.z.k. Zob. też wyrok WSA z dnia 6 maja 2015 r., II SA/Go 220/15, LEX nr 1760178; wyrok WSA z dnia 10 maja 2013 r., I SA/Kr 256/13, LEX nr 1429154.

Polish crisis management system at different levels



The main legislative tool in dealing with crises is the Act on Crisis Management (Act on CM) entered into force on 22 August 2007. The solutions adopted therein are to help coordinate actions aimed at counteracting the effects of major crisis events. The Act on CM specifies the authorities competent in crisis management and their tasks and scope of activities in this field, as well as the principles of financing crisis management tasks.

According to Article 19 of the Act on CM³⁶, the municipality head (mayor or *wójt*) is the competent authority for crisis management at the municipal level (*gmina*). The *wójt* is performing his/her crisis management responsibilities in assistance with the organisational unit of the municipal office, which is also competent in dealing with crisis situations. For this purpose, a specially designated organisational unit of the auxiliary apparatus, the municipal office, provides appropriate crisis responses at local levels. According to Article 19 Paragraph 4 of the Act on CM, the municipal crisis management team, appointed by the municipal executive body, is the auxiliary body of the municipal head (mayor) in ensuring the implementation of a proper crisis response. The municipal executive body determines the team composition, organisation, and mode of operation.

Crisis at municipal level

In a crisis situation, the *wójt* is obliged to appoint a municipal crisis management team; this is not his/her right, but rather

obligation. The municipal crisis management team headed by the *wójt* should also include people who are familiar with the issue of security, including specialists in a specific field related to ensuring public safety and order. Among other responsibilities, the municipal crisis management team assesses existing and potential threats that may affect public safety, prepares responses and mitigation activities, shares information related to threats, and provides recommendations for higher-level authorities.

Within the crisis responses, it is crucial to define a situation as a crisis situation. The diagnosis must be made on the basis

of the legal definition of a crisis situation contained in Article 3.1 of the Act on CM. Public administration bodies are primarily responsible for defining a situation as a crisis situation. According to the provision, a crisis situation is an event that has a negative impact on the level of safety, property, and/or environment, with the event causing significant limitations in the operation of the competent public administration bodies due to the inadequacy of the resources and forces available. The analysis of the notion 'crisis situation' allows for the identification of the specific type of threat, to which a proper response will be planned and implemented.



36. Article 19 ustawy z dnia 26 kwietnia 2007 r. o zarządzaniu kryzysowym, *op.cit.*

Crisis at county level

At the county level, the *starosta* is authorised to deal with crisis situations. According to the Article 17 of the Act on CM, the *starosta* is assigned similar responsibilities as the *wójt*, but the area of their performance is wider – namely, it extends across the county (*powiat*). The *starosta* performs his/her tasks and responsibilities in assistance with the county administration and organisational units. The *starosta*, as provided for in Article 17 Section 4 of the Act on CM, performs crisis management tasks in assistance with the county crisis management team. The *starosta* appoints the team and determines the composition of the team, its organisation, and mode of operation. The scope of tasks of the county crisis management team corresponds to the tasks performed by the municipality crisis management team, but with a larger territorial scope.

The *starosta* also determines the organisation type and establishes the headquarters and work mode of the county centre crisis management, as well as the method of ensuring constant information circulation in crisis situations.

Crisis at regional level

At the regional level, the actions in the field of crisis management are managed by the *wojewoda*. The regional self-government performs crisis management tasks to a limited extent. Pursuant to Article 15 of the Act on CM, the regional board participates in the implementation of crisis management tasks,

including civil planning, resulting from its competences. The Act does not assign any specific competences resulting from the sphere of crisis management to the executive body of the regional self-government, as it does in the case of the *wójt* and *starosta*.

A municipality as the smallest unit of local government, naturally receives information about a threat, so the unit must also possess appropriate instruments to optimise security measures. The municipality, and essentially its executive body, according to Article 21 of the Act on CM, should be equipped with the appropriate tools to be used in response to any crisis situation.

Crisis at national level

At the central level, crisis management is performed by the Council of Ministers. For this purpose, the Government Crisis Management Team, a consultative and advisory body to the Council of Ministers, is established. The chairman of the team is the Prime Minister and the Crisis Team consists of the Minister of National Defence and the Minister responsible for Internal Affairs – the Deputy Chairman, Minister of Foreign Affairs, Minister Coordinator of Special Services.

Crisis management activities can be defined as fully complementary, closed loop activities aimed at managing crisis situations (see GRAPH 6.).

GRAPH 6. Crisis management phases



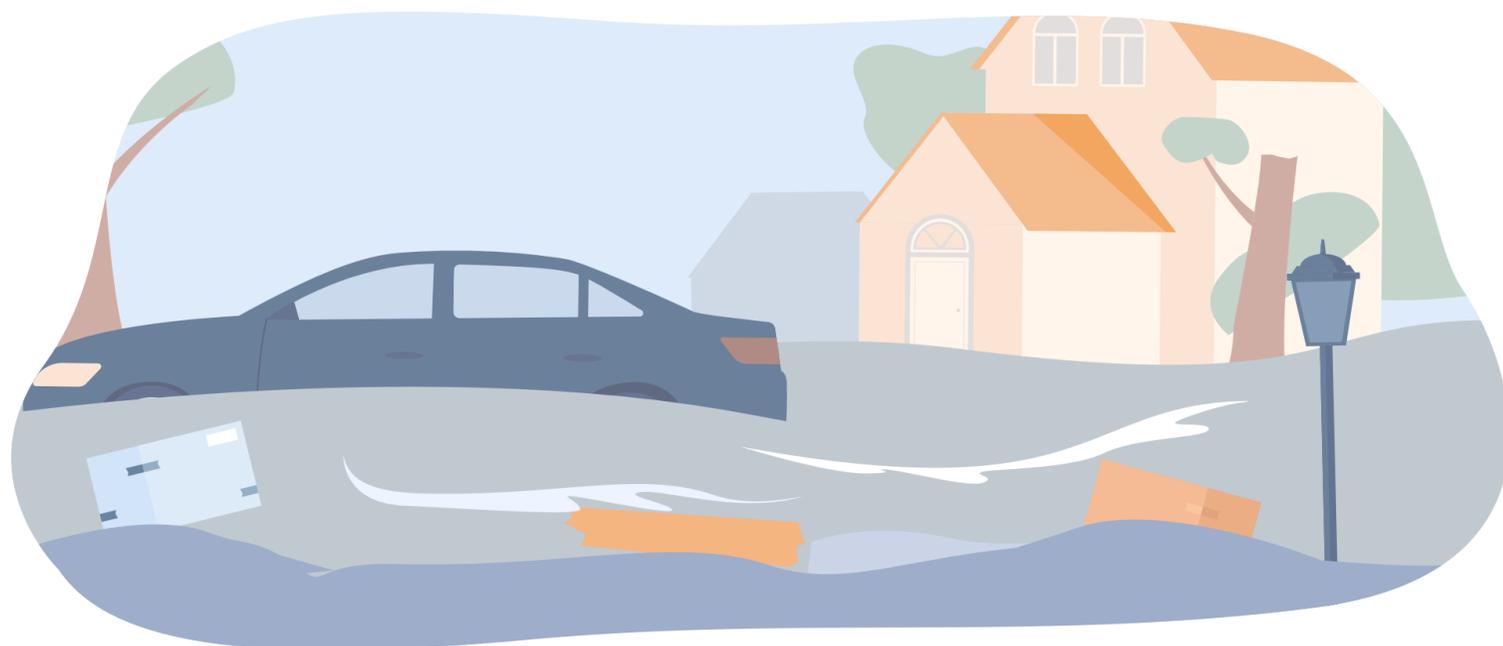
There are four phases in the crisis management cycle, namely **prevention, preparation, response, and recovery**. The cyclical nature of crisis management is also emphasised by its legal definition from the Act on Crisis Management. The **prevention phase** concerns actions that eliminate or reduce the probability of a crisis situation and limit its effects. Among the numerous elements of this stage, it is necessary to distinguish

risk and threat analysis, the preparation of planning acts in the event of threats together with appropriate operating procedures, and the assessment of the existing critical infrastructure. The essence of **preparation** is planning appropriate activities and carrying out continuous monitoring of threats. An important element of this phase is carrying out exercises of entities responsible for crisis management in the event of a crisis situation. The third phase (**response**) is a direct response to the occurrence of a threat, when pre-planned and prepared activities of appropriate services are carried out in order to help the victims and limit the spread of the threat. The last phase, closing the cycle,

is the **post-crisis recovery** stage. Its essence is to remove the effects and restore infrastructure and resources. In addition to providing financial assistance to victims, recovery is also important damaged facilities and evaluation of the activities of the crisis management system in an emergency. The plans are updated through numerous post-control assessments, which start another crisis management cycle. It can be concluded that in terms of flood protection, the most important phase is the crisis prevention phase, which significantly affects the amount of losses caused by flood phenomena. It should also be noted that often individual phases smoothly pass into subsequent phases

and it is difficult to unambiguously qualify a given phase to a specific stage of crisis management. This is especially true during the first two phases that intertwine with each other.

Flooding can be used as an illustrative example of a four phases of crisis management – this can be particularly relevant for Georgia and Armenia. The flood protection system in Poland is shaped by a number of legal acts, starting from the constitution, through to EU directives, laws, regulations, and local acts of law binding at the lowest level of governments. The two most important legal acts in the thematic scope of interest to us are the Crisis Management Act of 2007 and the Water Law of 2001. The first establishes the crisis management system, which is part of the flood protection system, the second establishes and defines the water management system in Poland, which is the second element of the flood protection system in Poland – it consists of specialised government administration bodies.



Case study: flooding in the Podkarpackie region (2020)

The illustrative example of a crisis response to flooding, the damages of which go beyond the capacity of the municipality, can be the heavy rainstorms which passed over the Podkarpackie region at the end of June 2020. The storm impacted roughly 130 families and damaged municipal infrastructure, including roads, bridges, culverts, buildings, and other public utility facilities. Losses in municipal property were estimated at over PLN 34 million. As the mayor of the Markowa municipality, Mirosław Mac stated that despite the measures taken, the local government alone will not be able to cope with such enormous losses.

As a result of unfavourable hydrological and meteorological forecasts in June 2020, it was necessary to maintain a large flood reserve on the Besko dam reservoir on the Wisłok River and on the Solina Reservoir on the San River. For this purpose, the Director of the Regional Water Management Board sent recommendations to the wojewoda to increase the outflow of the dam reservoirs. With the increase of

flood risk, the Voivodeship Crisis Management Team (VCMT) was called immediately. The team included specialists participating in flood control actions; they conducted analyses and forecasts of the situation. The wojewoda coordinated regional services, inspections, municipal guards, as well as local government administrations. The VCMT through the Press Office of the wojewoda began sharing information about the threat. Information about rescue operations and loss adjustments was published on the website of the Podkarpackie Voivodeship Office.

The VCMT, in cooperation with the Hydrological Forecasting Office of the Institute of Meteorology and Water Management, received and analysed reports on the hydrological and meteorological situation in the region. The VCMT ensured the timely exchange of information between the Voivodeship Center and the county and municipality crisis management centres as well as the services involved in the crisis management system, including the state fire service, police, provincial military staff, the Institute of Meteorology and Water Management, and Regional Water Management Board. After several VCMT meetings, a detailed plan

of coordination between public rescue services and local government units was prepared. The document was submitted and approved by the Wojewoda. As a response action, the wojewoda provided financial and material assistance to the people affected by flood. This task was carried out by the Social Policy Department of the Podkarpackie Voivodeship Office in Rzeszów, which coordinated the provision of material assistance for the people.

Several local governments from all over Poland offered help to the Podkarpackie region. Warsaw councillors contributed PLN 200,000, while the local governments of Wrocław, Katowice, and the Białobrzegi municipality from Podkarpacie provided PLN 100,000 each. Moreover, the Kolbuszowa powiat supported the municipality with the amount of PLN 30,000³⁷. All resources received from local governments will be allocated to the repair of road and bridge infrastructure. This example clearly illustrates that decentralisation of local and regional authorities also promotes solidarity among local units and contributes to close cooperation between cities and regions.

³⁷ Metropolie solidarne z doświadczonymi klęską żywiołową gminami, RegionyRP.pl, available at <https://regiony.rp.pl/z-regionu/30177-metropolie-solidarne-z-doswiadczonymi-klaska-zywiolowa-gminami/amp>



Due to task decentralisation and the delegation of responsibilities adequately to local units' organisational capabilities the process of planning the use of forces and resources was rationalised. Thus, the flexibility of the crisis administration was increased, which, inevitably, had an impact on the economics of crisis management (generating savings), and also shortened the decision-making time. The legislative provisions themselves are not the tools of crisis management, but represent the organisation of the crisis and are intended to enable the coordinated actions that will be available to deal with crises. The integrated approach to crisis management in Poland is tailored and accurate, but the ability to use the solutions is always a challenge. More importantly, actions in crisis situations usually take place in conditions of great tension and risk, and at the same time require an immediate reaction, rational decisions, and the ability to putting them into practice.